

## Summary Report

Development Review Commission Date: 05/08/07

Agenda Item Number: 8

**SUBJECT:** Hold a public meeting for an Appeal of a Use Permit for GABLE RESIDENCE located at 925 West 14<sup>th</sup> Street

**DOCUMENT NAME:** DRCr\_GableRes\_042407

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Request by Kevin Heenan (applicant) for the appeal of a previously approved use permit for the **GABLE RESIDENCE (PL070042)** (Randolph & Charlene Gable, property owners) located at 925 West 14<sup>th</sup> Street in the R1-6, Single Family Residential District, including the following:

**UPA07001** – Appeal of a Use Permit to park an RV in the front yard setback (ZUP07017) approved by the Hearing Officer on March 6, 2007.

**PREPARED BY:** Steve Abrahamson, Senior Planner (480-350-8359)

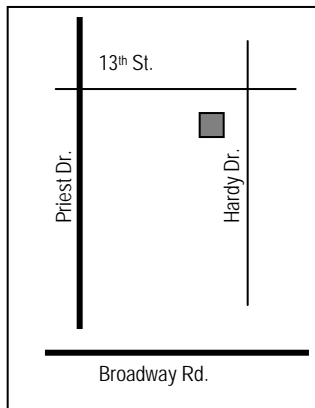
**REVIEWED BY:** Lisa Collins, Planning Director (480-350-8989) 

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval of the appeal (denies use permit).

### ADDITIONAL INFO:



This is a request to appeal a use permit allowing a recreation vehicle (R.V.) exceeding 21' in length to park in the required front yard setback. The Hearing Officer approved the use permit on March 6, 2007. The subject property is located at 925 West 14<sup>th</sup> Street in the R1-6, single-family residential district. To date, two (2) telephone calls, one (1) letter and one (1) petition signed by four (4) citizens has been received supporting the appeal. One (1) letter opposing the appeal was also received. Staff recommends approval of the appeal thus, denying the use permit.

Property Owners

Randolph & Charlene Gable

Appellant

Kevin Heenan

Existing Zoning

R1-6, Single Family Residential District

Lot Size

6,909 s.f. / .16 acres

RV Length

31'

Required Front Yard

Setback:

20'

Existing Setback from

RV to Property:

17'

**ATTACHMENTS:**

1. List of Attachments
  2. Comments; Reason(s) for Approval;
  3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference
- 
- A. Location Map
  - B. Aerial Photo(s)
  - C. Letter Requesting Appeal
  - D. Property Owner's Response to Letter Requesting Appeal  
Dated March 27, 2007 (Including Photograph and Subject RV's Title)
  - E. Property Owner's Response to Letter Requesting Appeal  
Dated April 26, 2007 (Including Photographs)
  - F. Site plan
  - G. Letter and Petition Supporting Appeal
  - H. Letter Opposing Appeal
  - I. Staff Photograph(s)

## **COMMENTS:**

The applicant is before the Development Review Commission to appeal a previously approved use permit to allow a recreation vehicle (R.V.) exceeding 21' in length to park in the required front yard setback. The subject property is located at 925 West 14<sup>th</sup> Street in the R1-6, single-family residential district. The appellant resides at 938 West 14<sup>th</sup> Street two (2) doors to the west on the opposite side of the street.

The Hearing Officer approved the use permit on March 6, 2007. At the time, staff recommended approval based on the property's configuration, alley access and its constraints on parking the R.V. in the rear yard. Staff had received public input in both support and opposition to the request.

Since the March 6, 2007 hearing and the approval, staff's philosophy and approach regarding this type of request and use has changed. We now consider the parking of large R.V.'s, boats and trailers in the front yard to be out of context with Tempe's General Plan 2030. The promotion of neighborhood preservation and enhancement is one of the General Plan's objectives. Allowing the storage of R.V.'s, boats and trailers within the front yards of single-family residential properties is contrary to this goal.

From the perspective of maintaining neighborhood character, aesthetics and crime prevention (these vehicles may be viewed as attractive nuisances), staff recommends denial of the use permit.

To date, two (2) telephone calls, one (1) letter and one (1) petition signed by four (4) citizens has been received supporting the appeal. One (1) letter opposing the appeal was also received.

### **Use Permit**

The Zoning and Development Code requires a use permit for a recreation vehicle exceeding 21' in length to park within the front yard setback.

### **Conclusion**

Staff recommends approval of the appeal thus, denying the use permit.

### **REASON(S) FOR DENIAL:**

1. The R.V. would contribute to the deterioration of the neighborhood and potentially may negatively impact property values.
2. The R.V. would contribute to the visual deterioration of the neighborhood and is contrary to the goals of General Plan 2030.
3. The recreational vehicle poses a potential to negatively impact the character of the neighborhood.
4. The use does not appear to be compatible with the existing surrounding residential structures and uses.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

**CONDITION(S)  
OF APPROVAL:**

1. The improved parking areas located in the front and street side yard setbacks shall not be paved beyond 35% of the areas visible from the street per Tempe City Code.
2. The improved parking area shall be kept free of all grass, weeds, and other uncontrolled growth.
3. The recreation vehicle shall be operable and have current registration.
4. Provide a landscape plan of the front yard showing additional landscape material to screen the RV on driveway. Plan to include at least one (1) 24" box tree; details to be approved by staff. Provide plan for use permit file.

**HISTORY & FACTS:**

January 7, 1963: Permit issued for single family residence.

October 27, 2006: CE06583: Neighborhood Enhancement investigated a RV exceeding 21' in length parked in the front yard setback. Applicant will be applying for Use Permit to park RV in front setback.

March 6, 2007 The Hearing Officer approved a use permit to park an RV in the front yard setback.

March 19, 2007 A request to appeal the Use Permit approval was submitted.

**DESCRIPTION:**

Subject Property Owner – Randolph & Charlene Gable  
Use Permit Applicant – Randolph & Charlene Gable  
Appeal Applicant – Kevin Heenan – 932 West 14<sup>th</sup> Street  
Existing zoning – R1-6, Single Family Residential District  
Lot Size– 6,909 s.f. / .16 acres  
RV length– 31'  
Required Front Yard Setback– 20'  
Existing setback from RV to property line–17'

**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:**

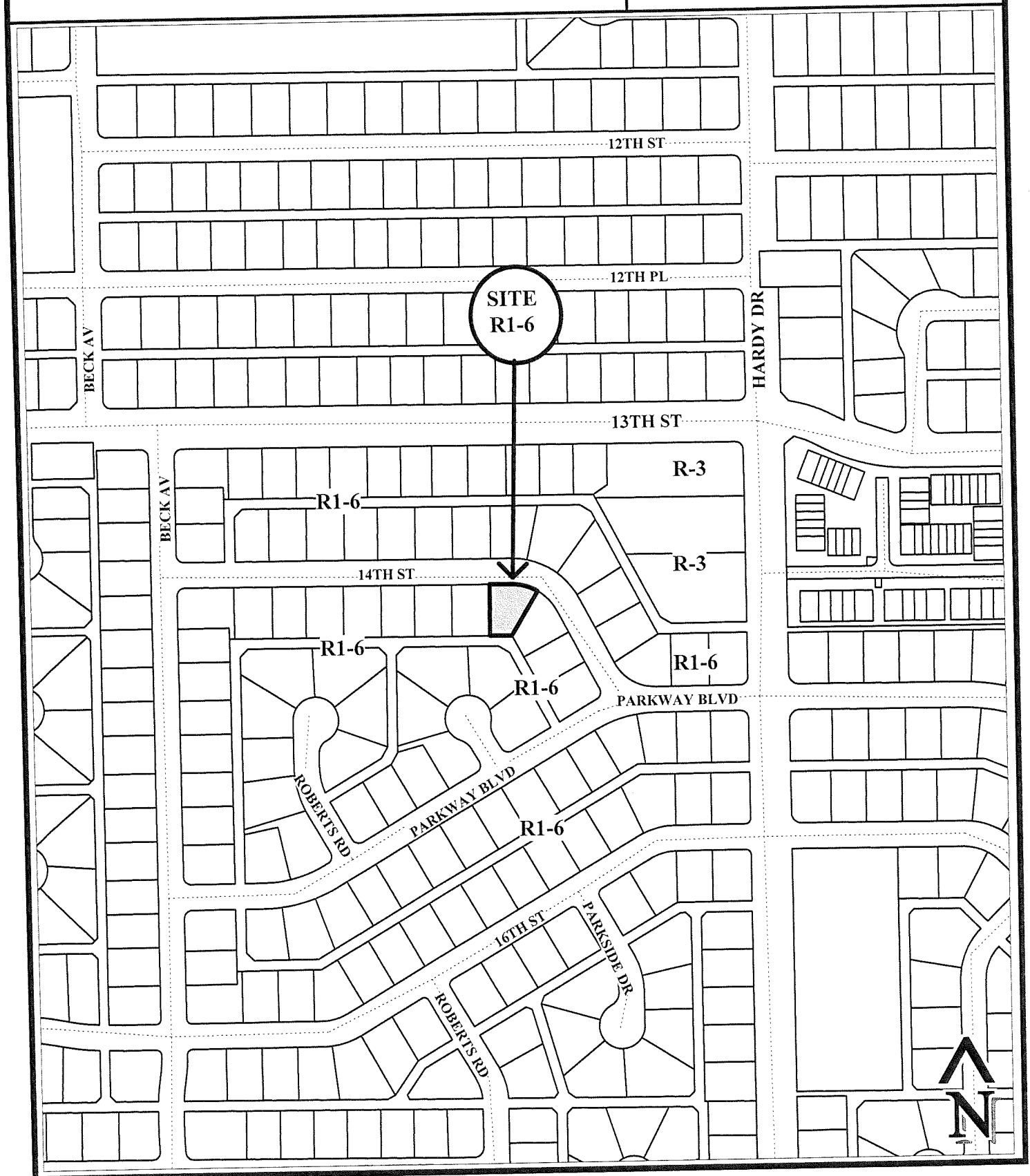
Use Permit(s):  
Zoning and Development Code, Part 6, Section 6-308

Recreation Vehicle Parking in Front Yard Setback  
Zoning and Development Code, Chapter 6, Section 4-602- B - 7

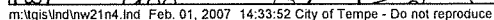
Appeal(s):  
Zoning and Development Code, Part 6, Chapter 8, Section 6-801

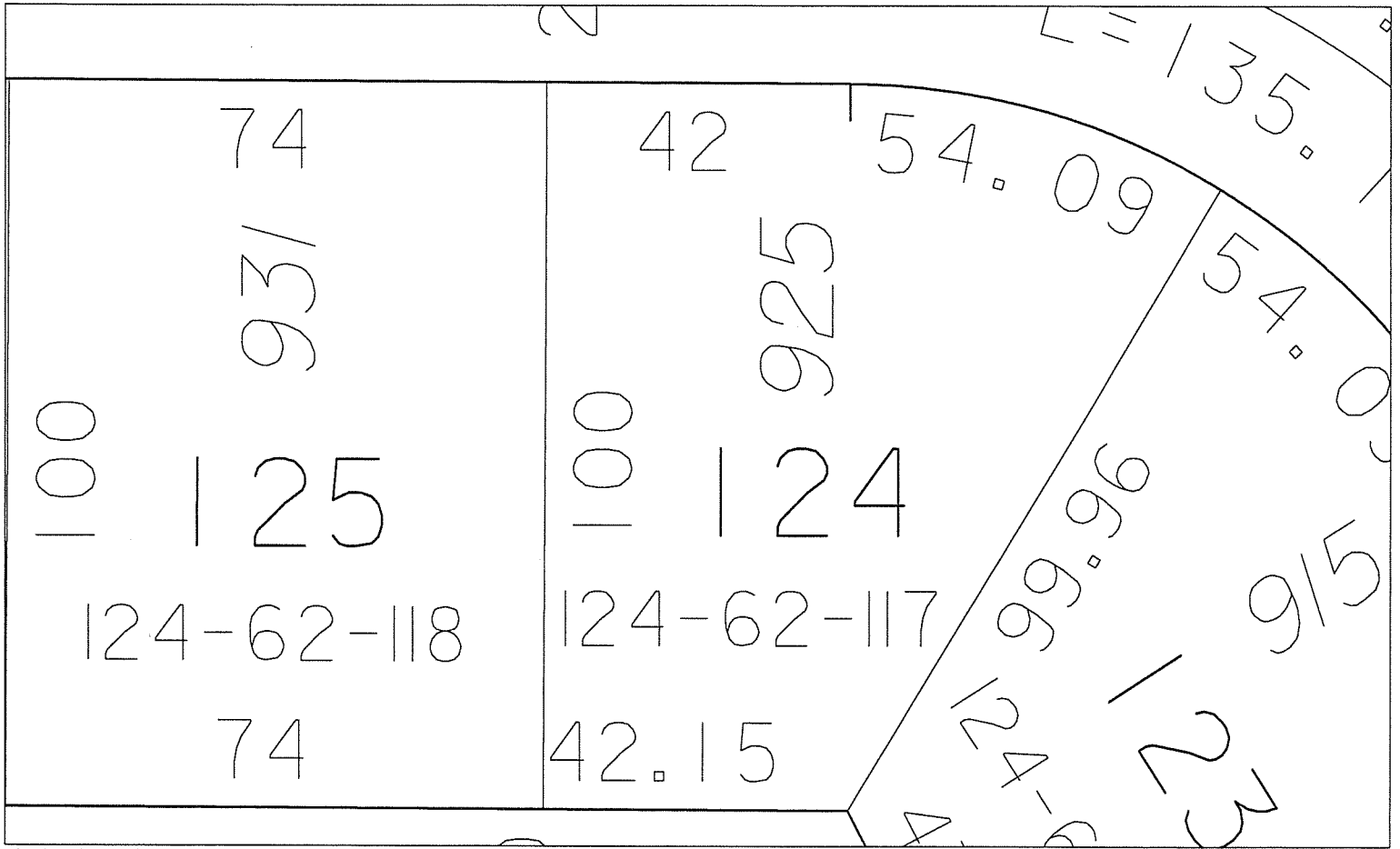
GABLE RESIDENCE

PL070042



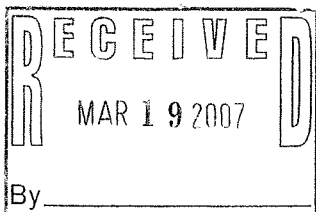
Location Map





m:\tgis\lnd\vw21n4.lnd Feb. 01, 2007 14:34:13 City of Tempe - Do not reproduce

PL070042



932 W. 14th Street  
Tempe, AZ 85281  
March 19th 2007

City of Tempe  
Development Services Department  
31 E. 5th Street, Garden Level  
Tempe, AZ 85281

RE: GABLE RESIDENCE  
PL070042/ZUP07017

Use permit to park an RV in the front yard setback.

To whom it may concern:

This letter is to request an appeal of above use permit.  
The following reasons apply:

1. It is misleading to use the term RV. It is not an RV, it is a full size school bus. All paperwork should have stated school bus and the vehicle should have been treated as such.
2. As long as the bus remains on the property, Mr. and Mrs. Gable will continue to live inside the bus. It is a lie to say they do not live in the bus, they do. At first, years ago Randy lived in the bus and Charlene lived in the house. Then they rented the house and Charlene moved into the bus too. This is apparently their retirement plan.
3. It is unsightly, hideous. It was painted with white house paint. It sports a satellite dish on the hood and blacked out windows throughout the school bus. Two days ago an air conditioner popped out the back window. Cardboard usually covers the wheels. It is half the size of his house.

Sincerely,

  
Kevin Heenan  
Neighbor



Shawn Daffara  
City of Tempe  
Development Services  
Board of Adjustments  
31 East 5th Street  
Tempe, Arizona 85280

Randolph and Charlene Gable  
925 West 14th Street  
Tempe, Arizona 85281

RE: Gable Residence PLO70042/ZUP07017.  
Activity Number; UPA07001

March 27, 2007

FILE COPY

Dear Mr.Daffara:

This correspondence is in response to the letter of request of appeal by Kevin Heenan received by the City of Tempe Development Services Department on March 19, 2007. I write this letter in hopes that the City of Tempe might be spared the time and expense of a public hearing based on one person's misguided opinion with total disregard for verifiable facts.

Kevin Heenan's stated reason 1.;

"It is misleading to use the term RV. It is not an RV, it is a full sized school bus. All paperwork should have stated school bus and the vehicle should been treated as such."

It was not "misleading" to refer to the vehicle as an RV. As the enclosed copy of the Arizona Certificate of Title shows the Body Style classified as "MHA", standing for Motor Home class A. The Arizona Department of Transportation recognizes the vehicle as a Class A Recreational Vehicle. Additionally the vehicle has Never been in service as a school bus.

Kevin Heenan's stated reasons 2;

"As long as the bus remains on the property, Mr. and Mrs. Gable will continue to live inside the bus and Charlene lived in the house. Then they rented the house and Charlene moved into the bus too. This is apparently their retirement plan."

It has been previously investigated, due to Mr. Heenan's several previous complaints, resulting in the conclusion reached by the Development Services Department and the City of Tempe Code Compliance Division, that at no time have Charlene or I lived in the motor home while it was parked on the property. The only time the property was used for rental purposed was during the years 1998, 1999, and part of 2001. The property was turned over to Steve Sharp, of RSVP Property Management Company. Obviously the motor home was not parked on the property while rented by a professional property management company. With the exception of the time the property was managed, I have legally occupied my property since 1975. It has not been rented or leased otherwise to date. Enclosed are copies of current utility receipts paid in our name. Mortgage, Home Owner's Insurance, and the Deed of Trust are a matter of public record. That Charlene and I would reside in an RV outfitted for remote dry camping parked next to the air conditioned comfort and space of our own home is an absolutely silly consideration.

4-17-07  
Copy sent to  
Kevin Heenan  
dm

Kevin Heenan's stated reason 3;

hood and blacked out windows throughout the school bus. Two days ago an air conditioner popped out the back window. Cardboard usually covers the wheels. It is half the size of his house."

Mr. Heenan's subjective opinion of my motor home as "unsightly , hideous" is his right. However, his opinion is not shared by the many immediate neighbors who provided signed statements that they had no objection to the motor home, the staff of the City of Tempe Development Services Department who recommended approval of the use permit, or the Hearing Officer that granted the use permit.

Mr. Heenan's perception that a 31 foot vehicle of 248 square feet of space is "half the size of his house" (1,138 square feet) should show exactly the amount of validity his statements and reasons for appeal should be given. The following factual information concerning Mr. Heenan's additional statements in this section show that he either made them without the benefit of visual experience, or that he has fabricated his testimony for some unknown irrational reason.

A. The vehicle was professionally painted with automotive enamel paint in it's original Blue Bird white color. It is obviously not "painted with white house paint" .

B. As can easily be seen by the enclosed photograph, the vehicle does not "sport a satellite dish on the hood" as Mr. Heenan claims. As can easily be seen, the vehicle not only has no satellite dish, but as it has a flat nose, it has no hood!

C. The windows have Gold Sun Protection Screens rather than Mr. Heenan's claim of "blacked out windows."

D. At no time have the wheels been covered with "cardboard" or any other material or device while parked on the property. The heavy duty tires do not require any coverage from the elements.

E. The "air conditioner" that magically "popped out the back window" is actually a small window sized evaporative cooler. It is necessary to have at least minimal climate control to prevent heat damage to the books and equipment inside. I also spend time inside the RV doing routine maintenance and modifications. My preference for working in conformable temperatures dictates that I work during the late evening and early morning hours, and that I may cool the RV in the heat of the day. When not in use the unit is stowed inside, out of sight, and the rear window closed.

In the many years Mr. Heenan and I have shared time in this neighborhood, the only time I have previously spoken to him was when he attended the meeting for the Neighborhood Watch that I started in 1997. His intimate knowledge of my domestic, Financial, real estate, and retirement

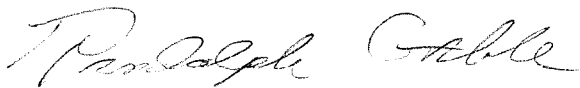
situation is entirely a product of Mr. Heenan's imagination. His reasons for appeal are without the merit of a single shred of truth or facts in evidence.

As to Mr. Heenan's uninformed concerns regarding my retirement plan and current situation, I am a Retired Disabled American Veteran with 100% Pension for Service To My Country. For the past several years Charlene and I have been working as seasonal volunteers for the United States Forest Service where we and our motor home have served as representatives of the Forest Service in remote campgrounds, and as support personnel for Forest Service Smoke Jumpers, Firefighters, and Civilian Evacuation Response.

Our original plan was to accept a seasonal position in the Prescott National Forest with a start date of January 12, 2007. The necessity of dealing with the complaints of Mr. Heenan, complying to the dictates of The City of Tempe Code Compliance Division, and acquiring the proper use permit to be allowed to park my property on my property has unduly delayed our departure. In spite of overwhelming neighborhood support, proof of no negative impact on property valuation, public statement in the hearing that we don't reside in the motor home, complete compliance with city codes, and the expense in time and money to be granted a Use Permit, we are again deprived of the ability to fulfill our jobs with the Forest Service. These unnecessary actions have cost us several months of our chosen work, the stipend income provided for our services, and deprived the Forest Service of some of the much needed seasonal personnel. Mr. Heenan's frivolous appeal will now cause additional hardship, time, and money to our household.

Our sincere hope is to finally resolve this situation without any additional cost in time or money to ourselves, or to the City of Tempe. We would prefer to continue our life with no further bureaucratic difficulties regarding the simple ability to park our vehicle on our own property.

Sincerely,

A handwritten signature in cursive script, appearing to read "Randolph Gable".

Randolph Gable



# ARIZONA CERTIFICATE OF TITLE



**Motor  
Vehicle  
Division**

48-7200 R09/03

Inventory Control  
**4049041**

Vehicle Identification Number  
**F04850**

Year  
**1969**

Make  
**BLUB**

Model

Body Style

**MHA**

First Registered  
**09/1969**

List Price  
**004760**

Mobile Home Manufacturer

Unit Number

**CHARLENE ANN GABLE  
201 W AIRPORT RD  
PAYSON AZ 85541**

Title Number  
**547M005339008**

Issue Date  
**12052005**

Film Number  
**F339547M04**

Odometer Reading (no tenths)  
**0250000 A**

Previous Title Number State  
**547M005339004 AZ**

Issue Date  
**12052005**

Previous Film Number  
**F339547M03**

A - Actual Mileage  
B - Mileage in excess of the odometer mechanical limits  
C - NOT Actual Mileage, WARNING ODOMETER DISCREPANCY

Arizona Brands

Previous Brand

State Previous Brand

State Previous Brand

State Other States With Brands

Owners/Lessees

**CHARLENE ANN GABLE**

OR

**RANDOLPH LEE GABLE**

Lienholders

## LIEN RELEASE

Lienholder Name		Acknowledged before me this date		Notary Public Signature	
Lien Amount	Lien Date	Lienholder Signature	Date	County	State Commission Expires

**VOID WITHOUT EAGLE WATERMARK OR IF ALTERED OR ERASED**

Steve Abrahamson  
City of Tempe  
Development Services  
31 East 5th Street  
Tempe, Arizona 85280

RE: Gable Residence PLO70042/ZUP07017.

Randolph and Charlene Gable  
925 West 14th Street  
Tempe, Arizona 85281

April 26, 2007

Dear Mr. Abrahamson;

This correspondence is in response to the letter of request of appeal by Kevin Heenan received by the City of Tempe Development Services Department on March 19, 2007. I would like to bring to your attention Mr. Heenan's true concern for the beautification of the City of Tempe, his neighborhood, and his pride in the appearance of his home.

Enclosed are three pictures of Mr. Heenan's residence, (932 West 14th Street), from the perspective of our windows and front yard, (925 West 14th Street). Our view is of dead trees, a lawn of weeds and rotten grapefruit and oranges, a mound of dirt, and an eight foot high unpainted wall with rust green ironwork and gate. All windows are blocked by the wall with the exception of the far front bedroom window. The property gives the appearance of a fortified eyesore and has multiple Tempe City Ordinance violations and also presents several safety issues.

Also enclosed is a picture of our house, (925 West 14th Street) from the perspective of Mr. Heenan's yard, (he has no windows with a view of our property). There are three other pictures of our house that show the care, concern, and pride we take in the appearance of our home. We have already planted the tree required for compliance of our Use Permit and planted an additional tree in the center of the yard. The "appearance" of the parking of my motor home is such that a Use Permit would not even be required as the distance from the property side of the sidewalk to the motor home is 24' 4". This would be well within the ordinance requirement of a 20' setback. Due to a right of way that extends 5' into the front yard, the letter of the law required that I obtain the Use Permit in spite of the fact that the right of way is not visible. We are currently in full compliance with the City of Tempe Zoning and Development Code and all of the Conditions of Approval for our Use Permit.

I do not know Mr. Heenan's motive for his irresponsible and unfounded complaints. His actions have cost both myself and the City of Tempe precious time and money. I am not aware of any possible reason for his libelous statements. Were he to spend the time and resources he is currently using to annoy the City of Tempe and myself on cleaning up his own house and yard, he would greatly enhance the neighborhood and the city.

Sincerely,



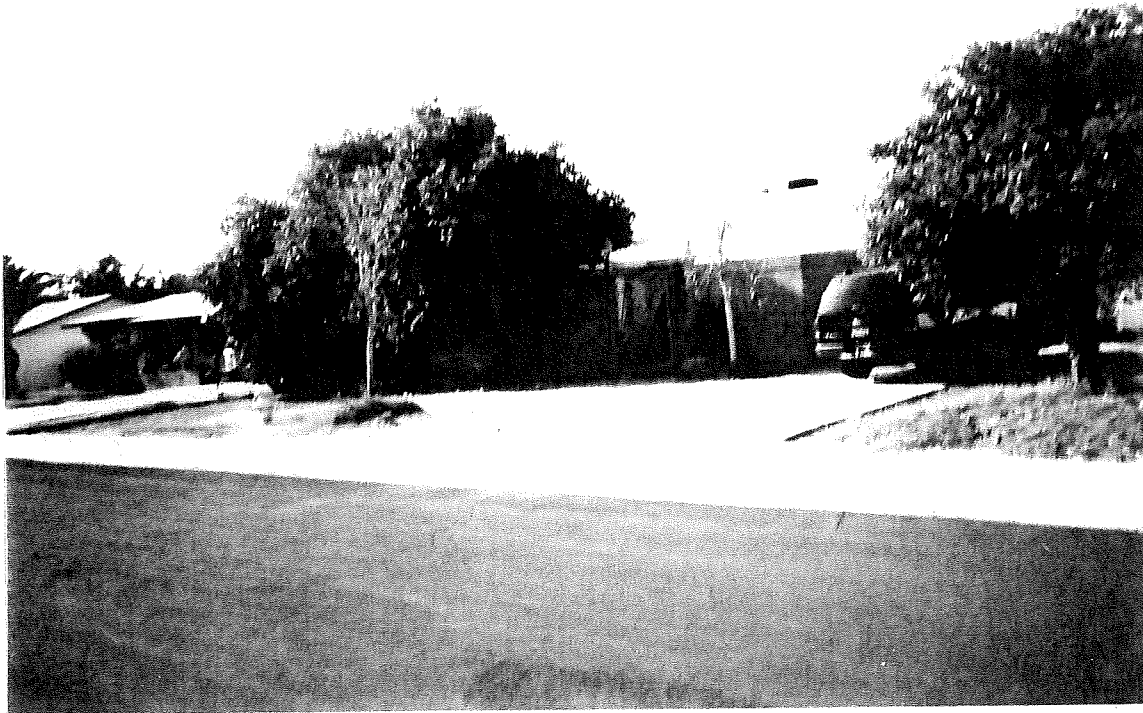
Randolph Gable

RECEIVED  
07 MAY - 1 AM 11:06  
TEMPE-DEVELOPMENT  
SERVICES DEPARTMENT



HEENAN PROPERTY  
(GABLE PHOTOGRAPH)



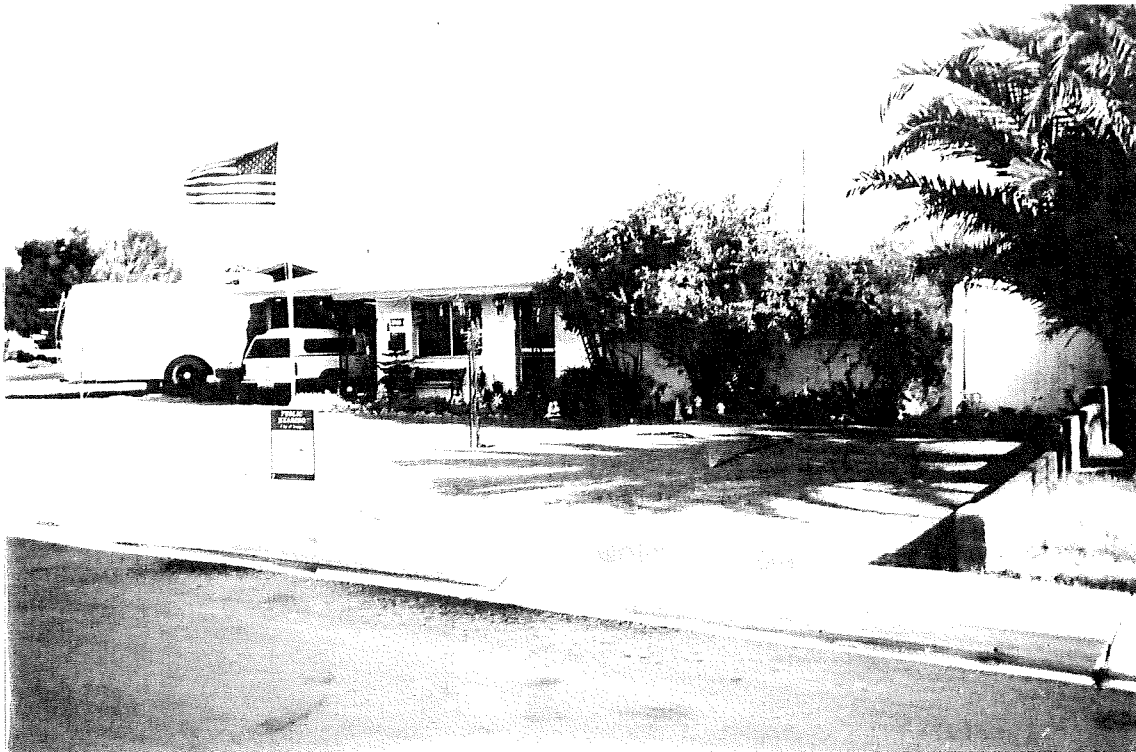


HEEMAN PROPERTY  
(GABLE PHOTOGRAPH)





GABLE PROPERTY  
(GABLE PHOTOGRAPH)



GABLE PROPERTY  
(GABLE PHOTOGRAPH)



Development Review Commission  
City of Tempe

April 16, 2007

Case # UPA07001  
PLO70042

Gable Residence

The Riverside Sunset Neighborhood Association wishes to support the appeal of the use permit granted by the Hearing Officer for front yard parking of an RV.

I drove by the house to see the situation.

The RV appears to be an old unused converted bus that is very unsightly.

There appears to be 4 other vehicles parked in the yard.

This is not the use for a residential area that RSNA wishes to see in Northwest Tempe.



Bill Butler

Chair, Pro Tem

RSNA

Bill Butler  
1227 W 4th St.  
Tempe, AZ 85281-2413

RECEIVED  
APR 16 2007  
DEVELOPMENT SERVICES

May 2, 2007

Steve Abrahamson  
City of Tempe  
Development Services Department  
31 East 5<sup>th</sup> Street  
Tempe, AZ 85281

Re: 925 West 14<sup>th</sup> Street

Mr. Abrahamson,

Thank you for your time yesterday. I appreciate the explanation of the process of the 'Usage Permit' request that is being reviewed by the City of Tempe. As we discussed, I understand that the Usage Permit does not warrant the support of a hardship (as with a variance request).

I would like to share in writing my views along with a few of my neighbors regarding the prior approval of the Usage Permit.

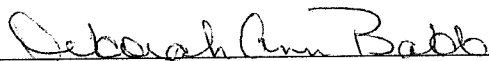
- We were all surprised and disappointed that the City of Tempe approved the usage permit.
- We felt that must have been a valid 'hardship' that supported the approval.
- Lastly we dreaded that this approval might set precedence on another bus (also know as the Devil Bus) being allowed to park permanently in the driveway or street at 16<sup>th</sup> Street & Beck.

I have shared with my neighbors that you do not support the prior approval. We all agree with your position that this bus (RV) parked on the sideyard of 925 West 14<sup>th</sup> Street is not representative of the neighborhood.


Sincerely,



Alma Willis @ 1405 S. Beck Ave.



Deborah Ann Babb @ 1313 S. Beck Ave



Michael Delaine @ 1400 S. Beck Ave



Bill G. Hill @ 1313 S. Beck Ave.

RECEIVED  
07 MAY -4 AM 9:58  
TEMPE-DEVELOPMENT  
SERVICES DEPARTMENT

**Shawn Daffara**  
City of Tempe  
**Development Services**  
Board of Adjustments  
31 East 5<sup>th</sup> Street  
Tempe, AZ 85281

Jonathan Doyle and  
Tiffany Pecoraro  
938 West 14<sup>th</sup> Street  
Tempe, AZ 85281

**April 3, 2007**

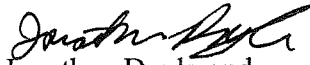
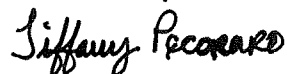
**RE: Gable Residence**  
PLO70042/ZUP07017  
Activity # UPA07001

FILE COPY

Dear Mr. Daffara,

We have recently learned that Randolph and Charlene Gable are subject to an appeal. After being one of the neighbors to sign a petition for them to get a use permit to park their RV in the front yard setback, we were surprised to hear that there was a request of appeal on this matter. The Gable residence have always been very friendly, good neighbors. Randy and Charlene are gone in the RV a lot of the year, and when the RV is parked on their property we have never had any problem with it being there. We don't feel that the RV is an eye sore, and we don't believe that it being there lowers our property values at all. The Gable's yard is one of the best kept yards on the street, unlike Mr. Heenan, who has requested this appeal, and has had an un-kept front yard for quite some time now which could be lowering the value of our homes. Having said that, we as home owners hope that you make the right decision to grant the use permit to park the RV on their property, and so that we can keep are rights as home owners.

Sincerely,

  
Jonathan Doyle and  
  
Tiffany Pecoraro

RECEIVED  
07 APR -6 AM 10:36  
TEMPE-DEVELOPMENT  
SERVICES DEPARTMENT



**GABLE RESIDENCE**

**925 WEST 14<sup>TH</sup> ST**

**PL070042**

**R.V. PARKED IN FRONT YARD: VIEW TO  
SOUTHWEST**